Bishops' contraception objections fail their church's own moral reasoning

by David Gibson
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(RNS) When President Obama last week bowed to political reality and changed the rules on mandated contraception coverage, the White House was trying to find an elegant solution to a political conundrum. Under the revised plan, insurance companies -- not faith-based institutions -- would arrange for the coverage and pay for it.

The president's plan meant that religious employers -- mainly Catholic universities, hospitals and social service agencies -- would not be involved in paying for or administering something they deem sinful: contraception. At the same time, all employees would still have access to the same contraception benefit, no matter whom they work for.

Critics of the president's plan, however, didn't see it that way.

"Dangerous and insulting," a group of leading Catholic bishops wrote to their fellow churchmen. "A cheap accounting trick," Robert P. George, Mary Ann Glendon and several other leading culture warriors complained in an open letter that has generated more than 100 signers.

The "compromise," said New York Times columnist Ross Douthat, "asks the parties involved to compromise their reasoning faculties and play a game of 'let's pretend' instead."

Yet that "game," as Douthat put it, is actually a venerable tradition in Catholic moral theology that for centuries has provided a way for Christians to think about acting virtuously in a fallen world.

'Cooperation with evil'

The category of moral reasoning is called "cooperation with evil." The term "evil" isn't as ominous as it sounds, but rather is shorthand used by moral theologians to describe anything sinful.

A classic example of cooperating with evil: A servant who ferries love letters to his master's mistress is not personally culpable because he himself is not committing adultery and does not intend to promote adultery, but must keep his job to feed and raise his family.

A more contemporary example involves whether a Catholic can vote for a politician -- like, say, Barack Obama -- who supports abortion rights.

In 2004, a year before he was elected Pope Benedict XVI, then-Cardinal Joseph Ratzinger told U.S. bishops that a Catholic voter would be unfit to receive Communion if he or she voted for a candidate "precisely because" of that candidate's support of abortion or euthanasia.

But, he added: "When a Catholic does not share a candidate's stand in favor of abortion and/or euthanasia, but votes for that candidate for other reasons, it is considered remote material cooperation, which can be permitted in the presence of proportionate reasons."

"Remote material cooperation" is also the issue in the contraception coverage debate.

'Formal' vs. 'material' cooperation

The distinctions start with two basic types of cooperation:

-- "Formal" cooperation means that you agree with the sinful action being performed by someone else. Put another way, your "intention" is the same as the person doing the evil deed. In the church's eyes, that is always and everywhere morally wrong.

-- The contraception battle, like most ethical dilemmas, is more focused on "material" cooperation. This means you neither approve of an action nor want it to occur, so you take steps to separate yourself as much as possible from the action.

That is what the Obama administration has tried to do for Catholic employers by requiring insurance companies (rather than Catholic employers) to pay for the contraceptive coverage and to contract separately with the individual employees

who might want that coverage. The Catholic employer has no involvement or knowledge of the separate contract for contraceptive coverage between the employee and the insurer.

'Immediate' vs. 'mediate' material cooperation

There's also a second distinction, between "immediate" and "mediate" material cooperation.

"Immediate" cooperation means that the action of both the wrongdoer and the person aiding the wrongdoer are the same. It is as if the servant was committing adultery on his master's behalf, or if the Catholic institution were providing the contraceptive insurance and paying for it.

That is not the case under the revised contraception mandate. Rather, the involvement of the Catholic institution here is "mediated" because contraceptive coverage is provided at several steps removed from the institution.

And that leads to the final element of this type of moral reasoning, which is distance. Under traditional Catholic thinking, Catholic employers whose insurance companies provide contraceptive coverage to employees at no cost to the employee or the institution, and without the institution's involvement, are engaged in what is called "remote material cooperation" -- a perfectly legitimate way for a Catholic individual or organization to function in a sinful world.

"In fact, unless you live in a monastery that doesn't have investments, it's unlikely you are innocent of remote material cooperation with something the church condemns," Matthew Boudway, an editor at Commonweal, a lay-run Catholic periodical, wrote on the magazine's blog.

"Nor does the church condemn you for this; it asks only that you be as conscious of these entanglements as you can be, that you minimize them whenever possible, and that you be sure they really are offset by a greater good."

Competing greater goods

In the contraception battle, the greater good for the bishops is universal health care, which has been a longtime priority for the hierarchy, as long as it does not involve illicit moral compromises. For others, the greater good might be providing women with contraceptive coverage and using greater access to birth control to reduce the

number of abortions.

Some critics of the administration's "accommodation" for faith-based employers argue that the distance between a Catholic (or other religious) employer is deceptive on two counts.

One, they say that the organization's health insurance company will simply pass on the cost of the contraceptive coverage to the religious institution in the form of higher premiums, so the institution will in effect be paying for contraceptive coverage. But studies show that providing coverage for birth control actually saves insurers money (pregnancies and abortions cost more than contraceptives) and it is at least revenue neutral. So there are no costs to pass on.

The second objection is that the faith-based institution will be sending its money to an insurance company that provides objectionable coverage, and so the religious group's dollars will still be subsidizing a sinful practice.

One response is that health care premiums do not "belong" to the institution but are actually part of an employee's compensation, like their paycheck. Just as an employer deducts withholding for taxes, it is sending the employee's money to a health insurance company for coverage. An employer has no control or culpability if an employee buys condoms with either her paycheck or her insurance plan.

In addition, insurance works by pooling risk and premium dollars, and anyone who buys a policy from an insurance company is indirectly paying for the birth control -- or chemotherapy or Viagra or heart bypass surgery -- of other clients of that company, just as those clients indirectly pay for treatments you will need.

As Boudway put it: "It is very difficult, not to say impossible, to avoid remote material cooperation with evil in a complex modern economy. ... If one does business with a company that offers its employees insurance that covers contraception, that, too, is remote material cooperation with evil (though the cooperation is more remote)."

'Moral Theology 101'

In fact, the insurance issue at this level is akin to someone objecting that their tax dollars go to the Defense Department or for food stamps or something else they might object to in principle. But people still have to pay taxes, and the Catholic

Church and other religious organizations have done that without much protest throughout history.

"This is Moral Theology 101," said one moral theologian who, like several others interviewed, spoke on condition of anonymity for fear of angering the hierarchy on such a sensitive topic.

"I do not think the bishops and their advisers have thought all the way through the entire bundle of values at stake," said another. "The bishops do not seem to be able to take yes for an answer."